

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

THEODORA MEDLEY,  
Plaintiff,

v.

S. PFITZER, et al.,  
Defendants.

No. 2:22-cv-00227 TLN DB P

ORDER TO SHOW CAUSE

Plaintiff, a state prisoner proceeding pro se, seeks relief pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1)(B).

On February 11, 2022, the court issued an order dismissing plaintiff's First Amended Complaint and supplemental pleadings with leave to file an amended complaint. (ECF No. 72.) Plaintiff was given sixty days to file an amended complaint. (*Id.* at 6.) Plaintiff appealed the order dismissing the complaint. (ECF No. 70.) That appeal was denied for lack of jurisdiction on March 21, 2022. (ECF Nos. 79, 81.) On May 19, 2022, the court granted plaintiff an additional sixty-day extension of time to file an amended complaint. (ECF No. 82.)

The time for plaintiff to file an amended complaint has passed. Plaintiff has not filed a Second Amended Complaint, requested an extension of time to do so, or otherwise responded to this order. Accordingly, plaintiff will be ordered to file an amended complaint or show cause in


1 writing why this action should not be dismissed for failure to prosecute and failure to comply  
2 with court orders.

3 Additionally, defendant has filed a motion to dismiss for failure to prosecute. (ECF No.  
4 83.) Under Local Rule 230(l), opposition to a motion, if any, "shall be served and filed by the  
5 responding party not more than twenty-one (21) days after the date of service of the motion."  
6 Twenty-one days have passed and plaintiff has not filed an opposition to this order. Plaintiff must  
7 file a response to this motion or show cause why plaintiff's failure to file an opposition should not  
8 be deemed a waiver of opposition to the granting of the motion. See Local Rule 230(l).

9 For the foregoing reasons, IT IS HEREBY ORDERED that:

- 10 1. Within thirty days of the date of this order, plaintiff shall either file an amended  
11 complaint or show cause in writing why this case should not be dismissed for failure  
12 to prosecute and failure to comply with court orders.
- 13 2. Within thirty days of the date of this order, plaintiff shall file an opposition to  
14 defendant's motion to dismiss or show cause why plaintiff's failure to file an  
15 opposition should not be deemed a waiver of opposition to the granting of that motion.
- 16 3. Failure to comply with this order will result in a recommendation that this action be  
17 dismissed.

18 Dated: February 5, 2023

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22 DEBORAH BARNES  
23 UNITED STATES MAGISTRATE JUDGE  
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25 DB:14  
26 DB/DB Prisoner Inbox/Civil Rights/R/medl0227.osc  
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